

# PATENT COOPERATION TREATY

From the:  
INTERNATIONAL SEARCHING AUTHORITY

To:

Freehills Patent & Trade Mark Attorneys  
MLC Centre  
Martin Place  
SYDNEY NSW 2000

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **18 JAN 2005**

Applicant's or agent's file reference  
**S80789847**

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/AU2004/001631**

International filing date (day/month/year)  
**24 November 2004**

Priority date (day/month/year)  
**24 November 2003**

International Patent Classification (IPC) or both national classification and IPC  
**Int. Cl. <sup>7</sup> G06F 17/60**

Applicant

**RIVER DYNAMICS PTY LTD et al**

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI   | Certain documents cited  |
| <input checked="" type="checkbox"/> | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU  
AUSTRALIAN PATENT OFFICE  
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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/001631

**Box No. V**      **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims 4-7, 11-14, 16-40	YES
	Claims 1-3, 8-10, 15	NO
Inventive step (IS)	Claims 11-14, 18-40	YES
	Claims 1-10, 15-17	NO
Industrial applicability (IA)	Claims 1-40	YES
	Claims	NO

**2. Citations and explanations:**

- D1: WO 2001/020491 A2 (CHRIST), 22 March 2001
- D2: WO 2001/093121 A1 (RIVER DYNAMICS PTY LTD), 6 December 2001
- D3: US 2002/0049642 A1 (MODEREGGER et al), 25 April 2002
- D4: WO 2003/100670 A1 (RIVER DYNAMICS PTY LTD), 4 December 2003

**NOVELTY (N) claims 1-3, 8-10, 15**

Claims 1-3, 8-10 and 15: Documents D1 and D2 each discloses all the features of these claims.

Claim 1, at least: D3 discloses all the features of this claim.

(In particular, "expectation differential data" is disclosed in each document: in D1 as the agreement of the final cost with the estimated cost; in D2 as "timeliness ratings" for previous jobs; and in D3 as indications of bidders that have been late completing previous contracts.)

See also the indication contained in Box VI, "Certain documents cited."

**INVENTIVE STEP (IS) claims 1-10, 15-17**

Claims 1-3, 8-10 and 15: As above.

Claims 4-7 and 16-17: The features of these claims are not seen to confer inventive step to the claimed invention in light of either D1 or D2.

**WRITTEN OPINION OF THE  
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International application No.

**PCT/AU2004/001631**

**Box No. VI      Certain documents cited**

**1. Certain published documents (Rules 43bis.1 and 70.10)**

<u>Application No. Patent No.</u>	<u>Publication date (day/month/year)</u>	<u>Filing date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
X, P WO 2003/100670 A1	04/12/2003	23/05/2003	23/05/2002

The above document discloses all the features of claim 1, at least.

**2. Non-written disclosures (Rules 43bis.1 and 70.9)**

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>
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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/AU2004/001631**

**Box No. VII    Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

Claim 29 is repeated after claim 40.